

HOUSE No. 1093

By Mr. Fagan of Taunton, petition of James H. Fagan that parents or legal guardians be held responsible for the school attendance of children in their care. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING THAT PARENTS OR LEGAL GUARDIANS BE HELD RESPONSIBLE FOR THE SCHOOL ATTENDANCE OF CHILDREN IN THEIR CARE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 76 of the General Laws, as appearing in the 2002 Offi-
2 cial Edition, is hereby amended by striking section 2 and inserting
3 in place thereof the following section:—
4 Section 2. Every person in control of a child described in
5 section one shall cause him to attend school as therein required,
6 and, if he fails so to do for seven day sessions or fourteen half day
7 sessions within any period of six months, he shall, on complaint
8 by a supervisor of attendance, be punished by a fine of not more
9 than one thousand dollars or by imprisonment for not more than
10 thirty days, or both such fine and imprisonment. Notwithstanding
11 the provisions of section six A of chapter two hundred and
12 seventy-nine, the court may order that a defendant convicted
13 under this section be imprisoned only on designated weekends,
14 evenings or holidays. No physical or mental condition capable of
15 correction, or rendering the child a fit subject for special instruc-
16 tion at public charge in institutions other than public day schools,
17 shall avail as a defense unless it appears that the defendant has
18 employed all reasonable measures for the correction of the condi-
19 tion and the suitable instruction of the child. The juvenile court
20 shall have jurisdiction of complaints hereunder.